IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 3053 of 2005

Between:

T.Srinivas S/o.Gangaram
R/o.H.No.12-4-52, Arsapally, Nizamabad.

..... PETITIONER

AND

1 Northern Power Distribution Company Limited rep. by its Chairman and

Managing Director, Khairatabad, Hyderaad.
2 Northtern Power Distribution Company Limited rep. by its Chief General

Manager (HRD), Warangal.
3 Superintending Engineer, Operation Circle, Andhra Pradesh
Northern Power Distribution Company Limited Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction especially one in the nature of Mandamus by declaring the action of the respondents rejecting the case of the petitioner in its letter dt.1.2.2005 though he is fully eligible as improper, illegal arbitrary and contrary to the judgment of this Hon'ble Court in WP.No.5156/03 and batch and consequently direct the respondents to consider petitioners case for the appointment for the post of LDC or any other equivalent post as per the BPMS No.36 Dt.18.5.97 by considering petitioners service certificate issued by Sri Venkata Ramana Industries, Bheemgal and set aside the Lt.No.CGM (HRD) GM (S) AS-11/PO-IV/510/04 Dt.1.2.2005.

Counsel for the Petitioner: SMT.A.PANKAJA

Counsel for the Respondents: MR.SAMINENI KISHORE

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in rejecting his claim for absorption in terms of B.P.M.S.No.36 dated 18.05.1997.

According to the petitioner, he worked with M/s.Sri Venkataramana Industries, Bheemgal, which is carrying on the business as a contractor in electrical and engineering works. In view of the scheme formulated by the respondent-Board, the petitioner made an application seeking absorption and the same was supported by a service certificate issued by the contractor, dated 02.12.1998, which shows that the petitioner was engaged by the contractor from 01.09.1996 to 31.11.1998. The said certificate was counter signed by the Assistant Divisional Engineer, T.R.E. Sub-Division, AP TRANSCO, Nizamabad, who certified that the contractor had undertaken contract works with the respondent-Board under various agreements between 1996-97 to 1997-98.

As the case of the petitioner was rejected on an earlier occasion without properly considering his claim, this Court directed the respondent-Board to re-consider the case of the petitioner especially in the light of the service certificate issued by the contractor. In view of said directions the case of the petitioner was re-considered, but the same was rejected again on the grounds that the

service certificate produced by the petitioner is not a genuine one and it does not contain any agreement numbers under which the work was carried on. The said observations made by the Chief General Manager (HRD), the second respondent herein, seem to be inconsistent. Whether the certificate produced is genuine or not is one aspect and whether it contains the agreement numbers or not is another aspect. If the certificate itself is not a genuine one, it can be rejected on that ground alone and there is no need to go into other contents of the certificate. However, the second respondent stated that the certificate issued by the contractor does not contain any agreement numbers. The copy of the service certificate is filed along with the writ petition at page No.14, which clearly shows that the petitioner worked under the contractor between 01.09.1996 to 31.11.1998 which was counter signed by the departmental official, who has specifically stated that under three agreements the contractor had undertaken work with the respondent-Board. In view of the specific mention of the agreements, the finding recorded by the second respondent is incorrect.

Under the above circumstances, without going into the merits and recording any finding, the impugned order dated 01.02.2005 is set aside and the second respondent is directed to re-consider the case of the petitioner and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. If it is found that the petitioner had worked under the contractor during the relevant period as stated, the petitioner is entitled for absorption in any vacant post as claimed by him.

The writ petition is accordingly disposed of. No costs.

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13.06.2005

Note: Issue CC in one week

(b/o)

VGB

To

1 The Chairman and Managing Director, Northern Power Distribution

Company Limited, Khairatabad, Hyderaad.
2 The Chief General Manager (HRD), Northern Power Distribution Company

Limited, Warangal.

3 The Superintending Engineer, Operation Circle, Andhra Pradesh Northern Power Distribution Company Limited Nizamabad.

4 2CD copies.